IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BLUE MACELLARI,	)	
	)	CASE NO. 4:05CV4161-JPG
Plaintiff(s),	)	
	)	TRACK B
vs.	)	
	)	Presumptive Trial Month:
RUSTY CARROLL,	)	09/18/2006 at 9:00 a.m.
	)	
Defendant(s).	)	JUDGE: J. Phil Gilbert, District Judge
	)	

UNIFORM TRIAL PRACTICE AND PROCEDURES

In conformity with the Civil Justice Reform Act of 1990, and in compliance with the Civil Justice Expense and Delay Reduction Plan adopted by this Court, the following uniform procedures will apply to all civil cases filed in the Southern District of Illinois.

Scheduling Practice

Trial settings and other scheduling will vary depending on the track classification which was assigned to the case at the time of filing by the trial judge to whom the case is assigned. There are four tracks, “A,” “B,” “C,” and “D.” “A” cases are set for trial between eight (8) and ten (10) months after the date of first appearance of a defendant or the default date; “B” cases eleven (11) to fourteen (14) months after the date of first appearance of a defendant or the default date; “C” cases fifteen (15) to eighteen (18) months after the date of first appearance of a defendant or the default date; and “D” cases nineteen (19) to twenty-four (24) months after the date of first appearance of a defendant or default date.

Except in cases exempted under SDIL-LR 26.1(a), the attorneys (and any unrepresented parties) must meet in accordance with SDIL-LR 16.2(a) at least twenty-one (21) days before any scheduling conference set by the Court to candidly discuss the issues in the case and potential discovery needs. Fed.R.Civ. P. 26(f). Within seven (7) calendar days after this meeting, the participants must submit a Joint Report of Parties and Proposed Scheduling and Discovery Order

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to the Magistrate Judge.

All track "B," "C," and "D" cases will be set for a scheduling and discovery conference before a Magistrate Judge within forty (40) days after the first appearance of a defendant in cases filed, removed, or transferred to this District. The scheduling conference may be canceled at the discretion of the Court following receipt of the Joint Report of the Parties regarding their initial meeting. The Magistrate Judge may approve the parties Joint Report of Parties and Proposed Scheduling and Discovery Order, or enter a separate scheduling order, as circumstances require.

A final pretrial conference will be held by the trial judge at least seven (7) days prior to the first day of the presumptive trial month. The parties shall confer and jointly submit a Final Pretrial Order three (3) days before the date of the final pretrial conference.

Disclosures and Discovery Practice

Except in cases exempted under SDIL-LR 26.1, the parties shall comply with the initial disclosure requirements of Federal Rule of Civil Procedure 26(a). These disclosures must be supplemented by the parties, depending on the nature of the case and any limitations placed on discovery at the scheduling conference. The disclosures and supplementation are not to be filed with the Clerk of the Court.

A party may not seek discovery from another source until: (a) the party seeking discovery has made its initial disclosures as required by Federal Rule of Civil Procedure 26(a), and, further, (b) the parties have met and conferred as required by SDIL-LR16.2(a). A party may not seek discovery from another party before such disclosures have been made by, or are due from, such other party.

The cut-off date for all discovery, including experts and third parties, shall not be later than one hundred fifteen (115) days prior to the first day of the month of the presumptive trial date. Disclosure of experts and discovery with reference to experts and other discovery dates will be set according to the Joint Report of the Parties following their initial meeting or at the scheduling and discovery conference before the Magistrate Judge.

Motion Practice

Motions to remand, to dismiss, for judgment on the pleadings, for summary judgment, and all post-trial motions shall be supported by a brief and filed with the Clerk, including a proposed order. Any adverse party shall have thirty (30) days after the service of the movant's brief in which to file and serve an answering brief and proposed order. Briefs shall be no longer than twenty (20) double-spaced typewritten pages. Reply briefs, if any, shall be filed within ten (10) days of the filing of an answering brief and shall be no longer than five (5) pages. Such briefs are not favored and should be filed only in exceptional circumstances. Under no circumstances will sur-reply briefs be accepted.

For all motions other than those listed above, a supporting brief is not required. A party opposing such a motion shall have ten (10) days after service to file a written response. Failure to file a timely response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion. A reply, if any, shall be filed within five (5) days of the filing of the response.

A party may not schedule or notice a hearing or oral argument on a pending motion. Any party desiring oral argument on a motion shall file a formal motion for such, stating the reason why oral argument is requested. Any motion may be either (1) scheduled by the Court for oral argument at a specified time; (2) scheduled for determination by telephone conference call; (3) referred to a United States Magistrate Judge for determination or recommendation; or (4) determined upon the pleadings and the motions without benefit of oral argument.

FOR THE COURT

NORBERT G. JAWORSKI
CLERK OF COURT

ALL MOTIONS MUST BE SUBMITTED WITH A PROPOSED ORDER
(See SDIL-LR 7.1(a) and Electronic Case Filing User's Manual, Page 12)

Forms referenced in this document are available, free of charge, downloadable from the district court web site at www.ilsd.uscourts.gov or from the Clerk's Office for a fee. Copies of the new forms are included as attachments in the July 1, 2003, revision of the Local Rules.